

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto
Hearing Date: Wednesday, December 2, 2015
Place: Department B – Courtroom #13
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**
2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.
3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.
4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.
5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

9:00 A.M.

1. [15-12502](#)-B-7 LOI LEE STATUS CONFERENCE RE: COMPLAINT
[15-1118](#) 10-2-15 [[1](#)]
WELLS FARGO BANK, N.A. V. LEE
AUSTIN NAGEL/Atty. for pl.

10:00 A.M.

1. [09-13200](#)-B-7 WADE/GAIL HANSON CONTINUED MOTION TO SELL
RH-7 10-8-15 [[72](#)]
JAMES SALVEN/MV
JUSTIN HARRIS/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

2. [15-14000](#)-B-7 RICARDO RIOS MOTION TO COMPEL ABANDONMENT
ALG-1 10-29-15 [[11](#)]
RICARDO RIOS/MV
JANINE ESQUIVEL/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

3. [15-13918](#)-B-7 MICHAEL/ANGELA STRAMBI MOTION TO COMPEL ABANDONMENT
JRL-1 10-30-15 [[19](#)]
MICHAEL STRAMBI/MV
JERRY LOWE/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

4. [15-13932](#)-B-7 VICTOR PASNICK MOTION FOR EXAMINATION
DSH-1 11-18-15 [[22](#)]
RAY BERGMAN/MV
DAVID HAMILTON/Atty. for mv.

The motion will be continued to December 8, 2015, at 1:30 p.m. The form of the proof of service does not comply with Local Bankruptcy Rule 9014-1(d)(2) and needs to be amended (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (5)).

In addition, the moving papers allude to the debtor's representation by counsel, however the record shows that the debtor filed the petition pro se and no counsel has entered an appearance in the case.

The court will prepare a minute order. No appearance is necessary.

5. [14-11970](#)-B-7 FELIX HARO CONSTRUCTION, MOTION TO COMPROMISE
RH-2 INC., A CALIFORNIA CONTROVERSY/APPROVE SETTLEMENT
JAMES SALVEN/MV AGREEMENT WITH FELIX HARO, SR.
10-29-15 [[31](#)]

HAGOP BEDOYAN/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

6. [13-13172](#)-B-7 HDD ELECTRIC INC. MOTION FOR COMPENSATION FOR M.
MKK-2 KATHLEEN KLEIN, ACCOUNTANT(S)
M. KLEIN/MV 11-2-15 [[32](#)]
GARY HUSS/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

1:30 P.M.

1. [15-14405](#)-B-13 PRITPAL CHAHAL
JRL-1
PRITPAL CHAHAL/MV
JERRY LOWE/Atty. for dbt. MOTION TO EXTEND AUTOMATIC STAY
11-13-15 [[8](#)]
2. [13-11607](#)-B-13 JUDIE HOUSTON
MHM-1
MICHAEL MEYER/MV
ROSALINA NUNEZ/Atty. for dbt. MOTION TO DISMISS CASE
10-8-15 [[59](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

3. [10-18909](#)-B-13 JOSEPH LOZANO
MHM-3
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
WITHDRAWN MOTION TO DISMISS CASE
10-13-15 [[105](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

4. [11-12124](#)-B-13 PHILLIP MASCORRO, JR. AND
MHM-2 GLORIA MASCORRO
MICHAEL MEYER/MV
STEPHEN LABIAK/Atty. for dbt.
WITHDRAWN MOTION TO DISMISS CASE
10-13-15 [[79](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

5. [13-17524](#)-B-13 SCOTT/HOLLY KRAGH
MHM-1
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt. MOTION TO DISMISS CASE
10-8-15 [[20](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondents' default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

6. [13-12329](#)-B-13 LUIS/CARLA CORONADO
GH-2
LUIS CORONADO/MV
GARY HUSS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN
10-19-15 [[35](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and the trustee's objection has been withdrawn. The motion will be granted without oral argument for cause shown. The debtors shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

7. [15-11029](#)-B-13 TERRY WHEELER
PK-5
TERRY WHEELER/MV

MOTION TO EMPLOY RITCHIE BROS.
AS AUCTIONEER, AUTHORIZING SALE
OF PROPERTY AT PUBLIC AUCTION
AND AUTHORIZING PAYMENT OF
AUCTIONEER FEES AND EXPENSES
11-13-15 [[128](#)]

PATRICK KAVANAGH/Atty. for dbt.
OST 11/13/15

8. [11-11431](#)-B-13 DENNIS/JAYLENE OSENA
MHM-2
MICHAEL MEYER/MV
GARY HUSS/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS
CASE
9-16-15 [[61](#)]

9. [15-14037](#)-B-13 SAMUEL/DIANE DOMINGUEZ
MET-1
BANK OF THE WEST/MV
VARDUHI PETROSYAN/Atty. for dbt.
MARY TANG/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-17-15 [[20](#)]

10. [15-13742](#)-B-13 ANTONIO/MARIA NAVARRO
SLS-1
ANTONIO NAVARRO/MV
BARBARA SMART/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
BANK OF THE WEST
10-19-15 [[22](#)]

The motion will be denied without prejudice. No appearance is necessary. The record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

11. [15-13742](#)-B-13 ANTONIO/MARIA NAVARRO
SLS-2
ANTONIO NAVARRO/MV
BARBARA SMART/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
BANK OF THE WEST
10-19-15 [[25](#)]

The motion will be denied without prejudice. No appearance is necessary. The record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

12. [15-13742](#)-B-13 ANTONIO/MARIA NAVARRO
SLS-3
ANTONIO NAVARRO/MV
BARBARA SMART/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
10-21-15 [[31](#)]

13. [15-12347](#)-B-13 JOSE MURGUIA
MHM-1
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING, MOTION
WITHDRAWN

MOTION TO DISMISS CASE
10-8-15 [[29](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

14. [11-15150](#)-B-13 EDSEL/ZENAIDA DALISAY
MHM-1
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
DEANNA HAZELTON/Atty. for mv.

MOTION TO DISMISS CASE
10-13-15 [[89](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondents' default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

15. [10-61052](#)-B-13 JULIO/VIOLA INGUANZO MOTION TO DISMISS CASE
MHM-2 10-13-15 [[56](#)]
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING, MOTION
WITHDRAWN

The trustee's motion has been withdrawn. No appearance is necessary.

16. [15-12352](#)-B-13 PATRICIA CHAMBERS MOTION TO DISMISS CASE
MHM-1 10-8-15 [[34](#)]
MICHAEL MEYER/MV
DIANA CAVANAUGH/Atty. for dbt.
RESPONSIVE PLEADING
MOTION WITHDRAWN

The trustee's motion has been withdrawn. No appearance is necessary.

17. [13-16653](#)-B-13 MARCUS CESENA MOTION TO DISMISS CASE
MHM-3 10-8-15 [[56](#)]
MICHAEL MEYER/MV
STEPHEN LABIAK/Atty. for dbt.
RESPONSIVE PLEADING, MOTION
WITHDRAWN

The trustee's motion has been withdrawn. No appearance is necessary.

18. [15-12453](#)-B-13 JOHN/KAREN LYSTAD MOTION TO DISMISS CASE
MHM-1 10-8-15 [[36](#)]
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.
WITHDRAWN

The trustee's motion has been withdrawn. No appearance is necessary.

19. [14-12958](#)-B-13 TITO/ESMERALDA MARTINEZ MOTION TO DISMISS CASE
MHM-1 10-8-15 [[27](#)]
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

20. [13-17973](#)-B-13 MARIA VASQUEZ
MHM-2
MICHAEL MEYER/MV
GEOFFREY ADALIAN/Atty. for dbt.

MOTION TO DISMISS CASE
10-8-15 [[86](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

21. [15-12873](#)-B-13 CHANTELE COLEMAN
PBB-1
CHANTELLE COLEMAN/MV
PETER BUNTING/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
10-20-15 [[45](#)]

22. [15-13779](#)-B-13 CHRISTOPHER NIEBLAS
[15-1119](#)
NIEBLAS V. FEDERAL NATIONAL
MORTGAGE ASSOCIATION ET AL
FRANCISCO ALDANA/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT
10-5-15 [[1](#)]

At the status conference the plaintiff should be prepared to explain whether adversary proceeding 15-1116 (number 27 on the calendar) is an unintended duplication of adversary proceeding 15-1119 and, if so, should be dismissed.

The plaintiff should also be prepared to justify this court's jurisdiction pursuant to the U.S. Supreme Court's recent cases delineating the bankruptcy court's jurisdiction in the context of state court issues and third parties.

The court notes that the defendants have noticed hearings on the December 8, 2015, calendar, however those motions were not served on the debtor/plaintiff pursuant to Federal Rule of Bankruptcy Procedure 7004.

23. [14-14680](#)-B-13 ADAM RAMIREZ AND
MHM-1 CHRISTINA MENDOZA
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

MOTION TO DISMISS CASE
10-8-15 [[45](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondents' default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

24. [13-13581](#)-B-13 SOCORRO MARTINEZ
MHM-1
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
10-8-15 [[37](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

25. [13-16783](#)-B-13 ALVARO FLORES
MHM-3
MICHAEL MEYER/MV
JERRY LOWE/Atty. for dbt.

MOTION TO DISMISS CASE
10-8-15 [[54](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that there is a material default in the chapter 13 plan payments that has not been cured. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

26. [10-15890](#)-B-13 FRANCISCO/JUANA CUELLAR
MHM-2
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
10-13-15 [[50](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

27. [15-12591](#)-B-13 CHRISTOPHER NIEBLAS
[15-1116](#)
NIEBLAS V. FEDERAL NATIONAL
MORTGAGE ASSOCIATION ET AL
FRANCISCO ALDANA/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT
9-23-15 [[1](#)]

At the status conference the plaintiff should be prepared to explain whether adversary proceeding 15-1119 (number 22 on the calendar) is an unintended duplication of adversary proceeding 15-1116 and, if so, should be dismissed.

The plaintiff should also be prepared to justify this court's jurisdiction pursuant to the U.S. Supreme Court's recent cases delineating the bankruptcy court's jurisdiction in the context of state court issues and third parties.

The court notes that the defendants have noticed hearings on the December 8, 2015, calendar, however those motions were not served on the debtor/plaintiff pursuant to Federal Rule of Bankruptcy Procedure 7004.

28. [14-15894](#)-B-13 DAVID CANIGLIA
TCS-3
DAVID CANIGLIA/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO MODIFY PLAN
10-21-15 [[36](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

29. [15-13794](#)-B-13 HAROLD OSBORNE
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE
11-18-15 [[23](#)]

30. [15-11896](#)-B-13 CHRISTINE WOODS
ETW-1
GRYPHON SOLUTIONS, LLC/MV
DAVID JENKINS/Atty. for dbt.
EDWARD WEBER/Atty. for mv.
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM
AUTOMATIC STAY
6-17-15 [[15](#)]

This matter will be continued to December 8, 2015, at 1:30 p.m., to be heard with the debtor's motion to confirm a chapter 13 plan. No appearance is necessary.

31. [14-15797](#)-B-13 MISTY PEREZ
PBB-1
MISTY PEREZ/MV
PETER BUNTING/Atty. for dbt.

MOTION TO MODIFY PLAN
10-23-15 [[39](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

32. [14-15098](#)-B-13 SAMUEL ACEVEDO AND DEBBIE
MHM-2 SURROCK
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

CONTINUED MOTION TO DISMISS
CASE
9-17-15 [[63](#)]

33. [15-14330](#)-B-13 JOSE/PAULA BUSTAMANTE
DMG-2
JOSE BUSTAMANTE/MV
D. GARDNER/Atty. for dbt.
MOTION TO EXTEND AUTOMATIC STAY
11-24-15 [[19](#)]
34. [15-12873](#)-B-13 CHANTELLE COLEMAN
MHM-1
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
CONTINUED MOTION TO DISMISS
CASE
9-30-15 [[31](#)]
35. [15-12873](#)-B-13 CHANTELLE COLEMAN
WILMINGTON TRUST, NA/MV
PETER BUNTING/Atty. for dbt.
DANIEL FUJIMOTO/Atty. for mv.
CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY
WILMINGTON TRUST, NA
9-1-15 [[24](#)]
36. [15-10905](#)-B-13 HERIBERTO AVILA
HERIBERTO AVILA/MV
HERIBERTO AVILA/Atty. for mv.
CLOSED: 07/17/2015
DEBTOR DISMISSED:
03/30/2015
MOTION TO AUTHORIZE NEW
BANKRUPTCY FILING
11-25-15 [[32](#)]

2:30 P.M.

- | | | |
|----|--|--|
| 1. | 15-14017 -B-11 CLUB ONE CASINO, INC.
KDG-6
CLUB ONE CASINO, INC./MV
HAGOP BEDOYAN/Atty. for dbt.
RESPONSIVE PLEADING | STATUS CONFERENCE RE: CHAPTER
11 VOLUNTARY PETITION
10-14-15 [1] |
| 2. | 15-14017 -B-11 CLUB ONE CASINO, INC.
KDG-6
CLUB ONE CASINO, INC./MV
HAGOP BEDOYAN/Atty. for dbt.
RESPONSIVE PLEADING | MOTION FOR JOINT ADMINISTRATION
11-2-15 [71] |
| 3. | 15-14021 -B-11 CLUB ONE ACQUISITION
CORP.
T. BELDEN/Atty. for dbt. | STATUS CONFERENCE RE: CHAPTER
11 VOLUNTARY PETITION
10-14-15 [1] |
| 4. | 15-14021 -B-11 CLUB ONE ACQUISITION
BBR-1 CORP.
CLUB ONE ACQUISITION CORP./MV
T. BELDEN/Atty. for dbt.
RESPONSIVE PLEADING | MOTION FOR JOINT ADMINISTRATION
11-3-15 [22] |
| 5. | 15-13167 -B-12 DOUG KOPHAMER FARMS
JM-1
DEERE & COMPANY/MV
LEONARD WELSH/Atty. for dbt.
JAMES MACLEOD/Atty. for mv.
RESPONSIVE PLEADING | MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-26-15 [102] |